

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anders Vinberg  
Serial No.: 10/091,065  
Filing Date: March 4, 2002  
Group Art Unit: 2448  
Examiner: Philip C. Lee  
Confirmation No.: 8010  
Title: METHOD AND APPARATUS FOR GENERATING  
CONTEXT-DESCRIPTIVE MESSAGES

**Mail Stop Notice of Appeal**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The following Pre-Appeal Brief Request for Review is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal.

**REMARKS**

Previously, Applicant received a final Office Action dated February 10, 2009 (“*Office Action*”) and an Advisory Action dated April 21, 2009 (“*Advisory Action*”) rejecting each of the pending claims (e.g., Claims 1, 3-9, 11, 13-20, and 31-36) of Applicant’s Application. Applicant contends that the rejections of those claim contain clear legal and factual deficiencies as described below. Accordingly, Applicant requests a finding that the rejections of Claims 1, 3-9, 11, 13-20, and 31-36 are improper and that each of those claims is allowable.

**Section 103 Rejections**

In the *Office Action*, under 35 USC § 103, the Examiner rejected Claims 1, 3-5, 9, 11, 13-15 and 33-36 as allegedly being unpatentable over U.S. Patent No. 6,125,390 issued to Touboul (“*Touboul*”) and U.S. Patent No. 6,049,828 issued to Dev et al. (“*Dev*”) in view of U.S. Patent No. 5,761,502 issued to Jacobs (“*Jacobs*”), Claims 6 and 16 as allegedly being unpatentable over *Touboul*, *Dev* and *Jacobs* in view of U.S. Patent No. 6,011,838 to Cox (“*Cox*”), Claims 7 and 17 as allegedly being unpatentable over *Touboul*, *Dev* and *Jacobs* in view of U.S. Patent No. 5,748,098 to Grace (“*Grace*”), Claims 8 and 18 as allegedly being unpatentable over *Touboul*, *Dev* and *Jacobs* in view of U.S. Patent No. 6,006,016 to Faigon et al. (“*Faigon*”) and Claims 19-20 and 31-32 as allegedly being unpatentable over *Touboul*, *Dev* and *Jacobs* in view of U.S. Patent No. 5,933,601 to Fanshier (“*Fanshier*”). Applicant respectfully traverses those rejections.

**I. Dev does not disclose, teach, or suggest “a user-generated text-based dialogue request specifying a user defined type of context data” as recited in Claim 1.**

Claim 1 includes the limitations, “receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object.” To reject those limitations, the Examiner points to a list of alarms displayed in Figure 10 of *Dev* and argues that the above-quoted limitations are taught by the act of “clicking on the condition red” to obtain more information. *Office Action*, page 3. However, Applicant respectfully points out that the alleged request of *Dev* (i.e., “clicking on the condition red”) does not allow (i) specification of the type of context data to be requested or (ii) the user to specify a user defined type of context data.

As explained in one example scenario presented in Applicant’s Specification:

“[A]s an example, the system may output an alert notification at block 315 such as ‘There is a very high risk of a catastrophic slowdown in server uschdb02’ . . . In order to identify the source of the problem, a user might

request ‘what system is that?’ seeking a more detailed contextual description of the managed component that is the subject of the alert notification . . . [or] . . . [i]n order to identify the source of the problem, a user might request ‘where is the component located?’ seeking a more detailed contextual description of the physical component that is the subject of the alert notification.”

*Specification*, page 7, lines 12-26 and page 9, lines 6-7. By contrast, *Dev* makes it clear that no such specification by the user is possible. Rather, *Dev* merely discloses that by clicking on a particular alarm, the user may generically obtain “more information.” *Dev*, col. 15, lines 16-18. Consequently, *Dev* fails to disclose, teach, or suggest “receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object” as recited in Claim 1.

The Examiner also rejects the above-quoted limitations of Claim 1 by arguing that the system of *Dev* allegedly enables a user to define the severity of the event (e.g., “Condition Red”), and therefore, the act of clicking on “Condition Red” amounts to a user generated request specifying a user defined type of context data. *Office Action*, page 14, lines 18-19 - page 15, line 1 (citing *Dev*, col. 8, lines 11-14). However, Applicants respectfully point out that this is a mischaracterization of *Dev*. Contrary to the Examiner’s argument, *Dev* does not allow the user to specify the severity of the events. According to the portion of *Dev* relied on by the Examiner:

Event messages sent to the user interface can utilize a filter process that is specified by the user. The user can **specify model types and a minimum event severity for which events will be displayed** on the user screen. Events from unspecified model types or less than the minimum severity will not be displayed.

*Dev*, col. 8, lines 11-14 (emphasis added). That is, this passage of *Dev* merely discloses that a filter may be established by a user to limit the events displayed on the user’s screen. Even so, the user may still only generically obtain “more information” by clicking on a particular alarm. *Dev*, col. 15, lines 16-18.

For at least these reasons, it continues to be Applicant’s position that the act of “clicking on the condition red” as argued by the Examiner does not disclose, or even teach or suggest, “a user-generated text-based dialogue request specifying a user defined type of context data” recited in Claim 1. Consequently, Applicant respectfully contends that Claim 1 and each of its dependent claims (e.g., Claims 3-7 and 31-37) are in condition for allowance. For analogous reasons, Applicant further contends that Claims 9 and 11 and each of their dependent claims (e.g., Claims 13-20) are in condition for allowance.

**II. *Dev* does not disclose, teach, or suggest “a user-generated text-based dialogue request textually requesting context data for the subject system object” as recited in Claim 8.**

Claim 8 includes the limitations, “receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request textually requesting context data for the subject system object.” To reject those limitations, the Examiner points to sections of *Dev* that describe a user being able to obtain “more information” on a particular alarm included in a list of alarms displayed in Figure 10 by “click[ing] on a particular alarm” *Office Action*, page 10, lines 17-19 (citing *Dev* col. 15, lines 12-29 and *Dev* col. 8, lines 31-37). More particularly, the Examiner argues, “since the request to obtain more information is generated by clicking on the text of the severity of ‘Condition Red,’ therefore *Dev* does teach ‘textually requests context data.’” *Office Action*, page 15, lines 10-13. Applicant respectfully disagrees. Merely because the alleged request of *Dev* may be created by clicking on the textual words “Condition Red,” does disclose that the alleged request “textually request[s] context data.” The phrase “Condition Red” does not textually request anything. Therefore, it continues to be Applicant’s position that the act of “clicking on the text of the severity of ‘Condition Red’” as argued by the Examiner does not disclose, or even teach or suggest, “receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request textually requesting context data for the subject system object” as recited in Claim 8. For analogous reasons, Applicant further contends that dependent Claim 35 is in condition for allowance.

**III. All Claims are in condition for allowance.**

For at least the reasons stated above, Applicants respectfully contend that each and every claim is in condition for allowance. Moreover, Applicants respectfully contend that none of the deficiencies described above with respect to *Dev* are accounted for by any of the remaining references cited by the Examiner or by the knowledge of one of ordinary skill in the art.

**No Waiver**

Applicant has merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements. The example distinctions discussed by Applicant is sufficient to overcome the Examiner’s rejections.

**CONCLUSION**

As the rejections of Claims 1, 3-9, 11, 13-20, and 31-36 contain clear legal and factual deficiencies, Applicant respectfully requests a finding of allowance of Claims 1, 3-9, 11, 13-20, and 31-36. If the PTO determines that an interview is appropriate, Applicant would appreciate the opportunity to participate in such an interview. To the extent necessary, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTT S L.L.P.  
Attorneys for Applicant



Luke K. Pedersen  
Reg. No. 45,003  
Phone: (214) 953-6655

Date: 5-8-09

**CORRESPONDENCE ADDRESS:**

Customer Number: **05073**